

U.S. DISTRICT COURT EASTERN DISTRICT OF LOUISIANA	
FILED	SEP 26 2007
LORETTA G. WHYTE CLERK	

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 07-160

v.

*

SECTION: "D"

TAMAKA McCRAY
a/k/a Tameka McCray

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* * *

FACTUAL BASIS

The above-named defendant, **TAMAKA McCRAY a/k/a Tameka McCray**, has agreed to plead guilty as charged to Counts Two, Four Five and Six of the Indictment now pending against her. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegations against the defendant, **TAMAKA McCRAY a/k/a Tameka McCray ("McCRAY")**.

All of the events stated herein occurred within the Eastern District of Louisiana.

On December 15, 2006, a confidential source ("CS") placed a recorded cell phone call to COLIS MOLTON ("MOLTON"), also known as "Mookie," at (504) 201-9534. The CS spoke with **McCRAY** and told her that he had already spoke to "Mookie" about purchasing one-quarter

—	Fee	_____
—	Process.	_____
X	Dktd.	_____
—	CtRmDep.	_____
—	Doc. No.	_____

ounce of cocaine base ("crack"). McCRAY told the CS to come to the house to make the purchase.

Agents set up surveillance on MOLTON's then-residence at 2225 Dufossat Street. At about 12:44 pm, Agent Vincent Saltaformaggio saw a 2002 Black Infiniti PMW578 stop in front of the residence. Its driver exited, entered MOLTON's residence, and exited, leaving in his vehicle just 7 minutes later.

At 12:52 pm, the CS called MOLTON, who advised that he was home. The CS walked to MOLTON's residence and entered about 1:00 pm. He exited about 1:16 pm and met with Task Force Agent Demond Lockhart. According to the CS, there were approximately four (4) ounces of crack on the bed in the residence. MOLTON was unable to get to his scale, which was in the back yard, because people were around. MOLTON told the CS to leave and come back in a few minutes.

At 1:34 pm, the CS returned to MOLTON's residence and entered. Therein, the CS purchased two chunks of crack, which were in one piece of plastic. About 10 minutes later, the CS exited the residence and walked to TFA Lockhart's vehicle. The CS then gave Lockhart the crack that he had purchased from MOLTON. The crack was subsequently tested at the South Central Laboratory in Dallas, Texas. It was found to have a net weight of 5.1 grams and tested positive for cocaine base.

On April 13, 2007, TFA Lockhart elected to utilize the same CS to make a controlled purchase from MOLTON. The CS was equipped with a kel transmitter which would monitor his conversations. Surveillance of 4903 Tchoupitoulas Street, which was MOLTON and McCRAY's new residence, was established by supporting agents. Under the direction of TFA

Lockhart, the CI attempted to contact MOLTON and/or McCRAY by telephone to arrange the narcotics transaction. After several unsuccessful attempts, TFA Lockhart elected to relocate the CS to 4903 Tchoupitoulas Street.

At approximately 1:00 p.m., the CS was dropped off by TFA Lockhart in the general vicinity of 4903 Tchoupitoulas Street. He attempted to approach MOLTON. MOLTON, who was conversing with his landlord, noticed the CS approaching. MOLTON discretely motioned for him to stay away. The CS complied. Approximately five (5) minutes later, MOLTON ended his conversation and relocated to meet the CS in the 4800 block of Tchoupitoulas Street.

MOLTON informed the CS that he did not conduct narcotics transactions directly from his residence, because he feared that his landlord would discover that he was storing narcotics at the residence. MOLTON instructed the CS to meet him at the intersection of Lyons Street and Tchoupitoulas Street, which was one block away from MOLTON's residence, at 2:00 p.m. The CS agreed and relocated directly to TFA Lockhart's vehicle.

At approximately 2:00 p.m., surveillance units observed MOLTON's vehicle arrive and park directly in front of 4903 Tchoupitoulas Street. MOLTON, who was the driver, exited the vehicle accompanied by two young children. MOLTON unlocked the front door of 4903 Tchoupitoulas and followed the children into the residence. A short time later, MOLTON exited the front door of 4903 Tchoupitoulas Street and walked in a downtown direction towards Lyons Street. MOLTON was clutching an object in his right hand.

Seconds later, MOLTON met the CS at the intersection of Lyons and Tchoupitoulas Streets. The CS handed MOLTON currency, and MOLTON placed it in his front right pants pocket. MOLTON discretely handed the CS the object that was concealed within his right hand.

The CS accepted this object and walked directly to TFA Lockhart's vehicle. MOLTON entered his residence. Upon entering the vehicle, the CS handed the item he had purchased from MOLTON to TFA Lockhart. The object contained one chunk of an off-white rock like substance purported to be crack cocaine. The crack was subsequently tested at the South Central Laboratory in Dallas, Texas. It was found to have a net weight of 2.6 grams and tested positive for the presence of cocaine base ("crack").

On April 23, 2007, in an effort to gather additional intelligence relative to MOLTON's narcotics operation, TFA Lockhart utilized the same CS to perform another controlled purchase of crack cocaine from MOLTON. The CS was again equipped with a kel transmitter. Surveillance of 4903 Tchoupitoulas Street was established by supporting agents. The CS successfully contacted McCRAY on this occasion. During their brief conversation, McCRAY instructed the CS to meet her at the intersection of Tchoupitoulas Street and Jefferson Avenue. Immediately following this conversation, TFA David Bean observed MOLTON and McCRAY exit the front door of 4903 Tchoupitoulas and enter a silver Pontiac. MOLTON was the driver and McCRAY was the passenger. Surveillance units followed MOLTON and McCRAY directly to the intersection of Tchoupitoulas Street and Jefferson Avenue, where the CS was already awaiting their arrival.

The CS approached the front right window of the vehicle and handed McCRAY currency. After receiving the currency, McCRAY handed the CS a small object. After receiving this object, the CS returned directly to TFA Lockhart's vehicle and handed the items he had just purchased from MOLTON and McCRAY. Those items were several pieces of an off-white rock like substance and a small piece of clear plastic that contained a white powder that were

purported to be several pieces of crack cocaine and a quantity of cocaine powder, respectively. These items were subsequently tested at the South Central Laboratory in Dallas, Texas. Testing showed the rock-like substances to have a net weight 7.0 grams, which tested positive for the presence of cocaine base ("crack"), and the white powder to have a net weight of 0.70 grams, which tested positive for the presence of cocaine hydrochloride.

Predicated on the information provided above, on April 26, 2007, TFA Lockhart applied for and was granted a State of Louisiana Search Warrant signed by Orleans Parish Criminal District Court Magistrate Judge Gerard Hansen for the premises of 4903 Tchoupitoulas Street, New Orleans, Louisiana.

On May 2, 2007, in anticipation of executing this state search warrant, members of the New Orleans Police Department High Intensity Drug Trafficking Area ("HIDTA") Task Force established surveillance of 4903 Tchoupitoulas Street. On the same date, Agent Saltaformaggio observed **McCRA Y** exit the front door of the residence and enter a light blue Cadillac, which was parked in the driveway. Surveillance followed **McCRA Y**, who drove directly to the 6000 block of Magazine Street and parked her vehicle.

At that location, agents observed a male subject, later identified as **MARK MULLEN** ("**MULLEN**") approach the Cadillac. **MULLEN** handed currency to **McCRA Y**. After receiving the currency, **McCRA Y** handed **MULLEN** what appeared to be a small plastic bag. **MULLEN** received the plastic bag and began walking in a westbound direction on Magazine Street. **McCRA Y** drove away in the same direction followed by surveilling agents.

Based on his considerable training and narcotics enforcement experience, TFA Lockhart strongly believed that he had witnessed a drug transaction between **McCRA Y** and **MULLEN**.

Based on that belief, TFA Lockhart detained MULLEN in the front yard of a residence in the 6000 block of Magazine Street. TFA Lockhart seized the plastic bag from MULLEN's right hand and found that it contained approximately a quantity of an off-white rock like substance that appeared to be crack cocaine. Based on this finding, TFA Lockhart placed MULLEN under arrest, and Mullen was advised of the Miranda warnings. The rock-like substances that MULLEN had purchased from McCRAY were tested at the South Central Laboratory in Dallas, Texas. The substances had a net weight of 3.3 grams and tested positive for the presence of cocaine base ("crack").

Agents continued to follow McCRAY to a service station located at 5600 Tchoupitoulas Street. At that point, agents placed McCRAY under arrest for distributing crack to MULLEN, and for her earlier crack distribution to the CS. McCRAY was advised of her Miranda warnings. Shortly after McCRAY's arrest, Agent Saltafformagio observed MOLTON exit 4903 Tchoupitoulas Street accompanied by his young son. Agents immediately placed MOLTON under arrest for the earlier crack cocaine distributions to the CS. MOLTON, also, was advised of the Miranda warnings.

Agents executed the search warrant at 4903 Tchoupitoulas Street. During the search of the residence, agents located a small amount of cocaine hydrochloride between two sofa cushions in the first room of the residence, and several pieces of crack behind the dresser in the first bedroom of the residence. At that time, MOLTON, McCRAY, and MULLEN, were each transported to the Sixth District Police station where they were further interviewed. The seized items were subsequently tested at the South Central Laboratory in Dallas, Texas. The items tested positive for cocaine residue and a net weight of 0.15 grams of cocaine base ("crack").

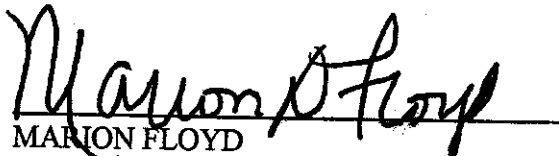
McCRA Y waived her rights and agreed to speak with agents. During her interview, McCRA Y stated that she and MOLTON had been romantically involved for approximately seven (7) years. McCRA Y admitted that, under the strict direction of MOLTON, she distributed approximately two and one-half (2 ½) ounces of crack bi-weekly. McCRA Y stated that she sells crack cocaine, daily, to approximately fifty (50) individual customers of herself and MOLTON. McCRA Y said that prior to being arrested she distributed approximately \$200 worth of crack cocaine to one of MOLTON's regular customers known as "Mark." "Mark" was in fact MULLEN. McCRA Y also stated that MOLTON stored his cocaine in a bedroom on the dresser. McCRA Y further stated that MOLTON's cocaine supply was completely depleted and that, had they not been arrested that day, MOLTON was planning to replenish his supply soon.

MULLEN also waived his rights and agreed to speak with agents. During his interview, MULLEN admitted that he had purchased crack cocaine from MOLTON and McCRA Y over the past five years for approximately two week intervals several times each year. In fact, since from Friday, April 27, 2007, until May 2, 2007, MULLEN admitted to purchasing \$2,000.00 worth of crack cocaine, which was approximately two ounces, from MOLTON and McCRA Y.

MOLTON and McCRA Y agree for purposes of relevant conduct that, should this matter have proceeded to trial, the Government would have established beyond a reasonable doubt that their conspiracy, possessions of narcotic drug controlled substances, and various distributions would have totaled to a net weight of at least 50 grams but less than 150 grams of cocaine base ("crack").

On October 4, 1991, MOLTON was convicted in the Criminal District Court for the Parish of Orleans, State of Louisiana, in case number 350-395 "B," of possession of cocaine, a

felony drug offense as that term is used in Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A). On October 15, 1992, MOLTON was convicted in the Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana, in case number 92-3169, of possession with the intent to distribute crack cocaine, a felony drug offense as that term is used in Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).


MARION FLOYD
Attorney for Defendants


KEVIN G. BOITMANN, La. Bar No. 26203
Assistant United States Attorney


TAMAKA McCRAY
Defendant